

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Case No. 2:13-cv-02062-GMN-NJK

4 TOYO TIRE AND RUBBER CO., LTD., a
5 Japanese corporation; TOYO TIRE U.S.A.
6 CORP., a California corporation; and TOYO
TIRE HOLDINGS OF AMERICAS INC., a
California corporation,

7 Plaintiffs,

8 v.

9 TOYAMA TYRE CORP., LTD., a Japanese
10 company; TOYAMA TYRE CORP., LTD., a
Chinese company; HONG KONG TOYAMA
11 TYRE INT'L LTD., a Chinese company,

12 Defendants.

**AMENDED ORDER ADOPTING
REPORT AND RECOMMENDATION**

13 Pending before the Court is the Report and Recommendation of United States Magistrate
14 Judge Nancy J. Koppe, (ECF No. 33), which states that the pending Motion for Default
15 Judgment and Permanent Injunction, (ECF No. 31), should be granted.

16 A party may file specific written objections to the findings and recommendations of a
17 United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B);
18 D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a de novo
19 determination of those portions to which objections are made. *Id.* The Court may accept, reject, or
20 modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28
21 U.S.C. § 636(b)(1); D. Nev. IB 3-2(b). Where a party fails to object, however, the Court is not
22 required to conduct “any review at all . . . of any issue that is not the subject of an objection.”
23 *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district
24 court is not required to review a magistrate judge’s report and recommendation where no
25 objections have been filed. *See, e.g., United States v. Reyna–Tapia*, 328 F.3d 1114, 1122 (9th
26 Cir. 2003).

27 Here, no objections were filed, and the deadline to do so has passed.

28 Accordingly,

1 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 33), is
2 **ADOPTED** in full.

3 **IT IS FURTHER ORDERED** that Plaintiffs' Motion for Default Judgment and
4 Permanent Injunction, (ECF No. 31), is **GRANTED**.

5 **IT IS FURTHER ORDERED** that Plaintiffs be awarded judgment against Defendants
6 as follows:

- 7 1. Statutory damages in the amount of \$100,000.00;
8 2. Post-judgment interest on the principal sum at the statutory judgment rate from the
9 date of entry of the judgment until paid in full.

10 **IT IS FURTHER ORDERED** that, pursuant to 15 U.S.C. § 1116, Defendants, as well as
11 their respective officers, agents, servants, employees, confederates, attorneys, and all those in
12 active concert or participation with them are hereby permanently enjoined from:

- 13 1. Using any reproduction, counterfeit, copy, or colorable imitation of the TOYO Marks
14 (as defined in the Complaint) in commerce including, without limitation: (a) by
15 selling, offering for sale, distributing, promoting, or advertising any good or service
16 in connection with such reproduction, counterfeit, copy, or colorable imitation of the
17 TOYO Marks; or (b) by displaying any reproduction, counterfeit, copy, or colorable
18 imitation of the TOYO Marks in the United States;
19 2. Representing directly or indirectly, in any form or manner whatsoever, that any
20 products or services offered for distribution or sale by Defendants are related to,
21 affiliated with, approved by or sponsored by Plaintiffs or committing any other acts
22 calculated to cause consumers to believe that Defendants' products and services or
23 that Defendants' business is that of Plaintiffs' or somehow related to Plaintiffs, and
24 from otherwise competing unfairly with Plaintiffs in any manner;
25 3. Making any use of the TOYO Marks or confusingly similar variations thereof, alone
26 or in combination with any other letters, words, letter strings, phrases or designs, in
27 commerce or in connection with any business or for any purpose whatsoever
28 (including, but not limited to, on websites, in domain names, in hidden text and

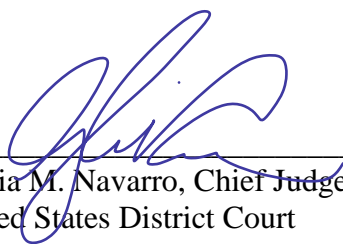
1 metatags); and

- 2 4. Registering or trafficking in any domain names containing the TOYO Marks or
3 confusingly similar or dilutive variations thereof, alone or in combination with any
4 other letters, words, letter strings, phrases, or designs.

5 **IT IS FURTHER ORDERED** that VeriSign, Inc. shall, within ten (10) business days
6 after receipt of a copy of this order, change the Registrar of Record for the toyamatyre.com
7 domain name and the Registrar of Record for the toyamatire.com, toyamatires.com,
8 toyamatyres.com, toyomatire.com, toyomatires.com, toyomatryre.com, and toyomatyres.com
9 domain names, to a Registrar of Plaintiffs' choosing.

10 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and close
11 the case.

12 **DATED** this 20 day of July, 2017.

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16 Gloria M. Navarro, Chief Judge
United States District Court
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